FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2388 OF 2005

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.M.R. Suryawanshi for the petitioner.

CORAM : R.S. MOHITE,J.
DATED : 24.11.2005.

P.C.

1. By this petition, the original defendant impugns an order dated 19.11.2004 passed by the Civil Judge, J.D. Radhanagari below Exh.29 in R.C.S. No.64/2001. By the said application, the defendant prayed that the preliminary issue be framed as regards the competence of the power of attorney holder to file the said suit. I have perused the power of attorney and the plaint. It is clear that House No. referred to is the same in both the documents. The advantage is sought to be taken of the fact, that there appears to be the typing mistake in

mentioning the city survey number. The power of attorney contain a clause entitling the power of attorney holder to file a suit. In my view, this issue cannot be agitated as preliminary issue. The matter requires evidence. Hence, petition rejected.

(R. S. MOHITE, J.)